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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,479	05/15/2001	Koji Arakawa	Q64485	7886
7590	07/26/2005		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS 2100 Pennsylvania Avenue, N.W. Washington, DC 20037			KADING, JOSHUA A	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/854,479	ARAKAWA, KOJI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Joshua Kading	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 03 March 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1 and 2 is/are rejected.  
 7) Claim(s) 3-7 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 15 May 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/15/01</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Specification***

1. The amendment filed 3 March 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Amended specification, page 2, paragraph 0013, lines 3-9.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,483,838 B1, Ostman et al. (Ostman).

Regarding claim 1, Ostman discloses, "a voice interception system for intercepting a voice signal included in an Asynchronous Transfer Mode (hereinafter

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referred to as "ATM") cell transferred in an ATM Adaptation Layer type 2 (hereinafter referred to as "AAL2") of an ATM network, comprising:

base station controllers (*figure 5, element 42-33 of each base station 42*);  
a mobile switching station (*figures 5 and 10, element 46*) comprising: a plurality of ATM cell assembler/de-assembler units which convert the ATM cell of the AAL2 received from the ATM network through said a base station controller to an ATM cell of a modification of the ATM Adaptation Layer type 2 (hereinafter referred to as "AAL2pf"), and convert the ATM cell of the AAL2pf, received from another ATM cell assembler/de-assembler unit via an ATM switch, to the ATM cell of the AAL2 to send to said base station controller (*figure 10B, elements 46-32 and "AAL2' Termination Device"* act as assembler/de-assembler units as read in col. 13, lines 11-24 where the AAL2' is functionally equivalent to applicant's AAL2pf (applicant's specification, figure 4) in that it is converted from the AAL2 cell and does not contain a start field as read in col. 9, lines 14-23);

a voice monitor which generates an ATM cell of an ATM Adaptation Layer type 1 for reproducing a voice signal (hereinafter referred to as "AAL1 (PCM)") based on the ATM cell of the AAL2pf from said plurality of ATM cell assembler/de-assembler units (*figure 10B, "AAL2' Termination Device" acts as the voice monitor working to convert AAL2 information to AAL1 as read in col. 13, lines 11-24*);

an ATM switch (*figure 10B, element 46-30*); and  
a third party call apparatus which converts the ATM cell of the AAL1 (PCM) sent from said voice monitor through a Synchronous Transfer Mode (hereinafter referred to

as "STM") network to the voice signal (*figure 5, elements 42 act to convert the ATM information to a synchronous type wireless communication system, see col. 7, lines 15-41*),

wherein said ATM switch sets a first path in which the ATM cell of the AAL2pf from one of said plurality of ATM cell assembler/de-assembler units is sent to another one of said plurality of the ATM cell assembler/de-assembler units, and sets a second path in which the ATM cell of the AAL2pf passing through the first path is drawn into said voice monitor and sets a third path in which the ATM cell of the AAL1 (PCM) from said voice monitor is sent to said the third party call apparatus through said STM network (*figure 10B, the first path is from element 46-34(1) to element 46-32, the second path is from element 46-32 to "AAL2' Termination Device", and the third path is from the "AAL2' Termination Device" to element 46-34(0)).*"

Regarding claim 2, Ostman discloses, "wherein the ATM cell of the AAL2pf is equal-to-the a modified ATM cell of the AAL2, wherein that the ATM cell of the AAL2pf accommodates one piece of user data therein and does not have a start field (*figure 6A as read in col. 9, lines 14-23*)."

#### ***Allowable Subject Matter***

4. Claims 3-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant requests that the IDS filed on March 4, 2004 be initialed and returned. There can be found no record of an IDS filed on March 4, 2004 for the instant application. There is only the IDS filed May 15, 2001; this IDS will be initialed and a copy mailed with the current Office Action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (571) 272-3070. The examiner can normally be reached on M-F: 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Chau T. Nguyen*

*JK*

Joshua Kading

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